

REMARKS

Claims 1,2, 4-8 and 10-22 are all the claims pending in the application.

Claims 1, 2, 4-8, and 10-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-2, 4-6, and 10-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mosaic Technologies (“Mosaic”) (WO 98/51823).

Claims 1, 2, 10, 11, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (U.S. Patent No. 6,344,326 B1).

Claims 1, 2, 4-8, and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosaic Technologies (“Mosaic”) (WO 98/51823) and Briggs et al. (U.S. Patent No. 5,560,811).

The Applicants thank the Examiner for the suggestions made during the interview dated November 16, 2005. Based on the discussions, the Applicants respectfully amend claim 1 to specifically recite that the combined bodies of the probe and the captured target is separated.

As discussed in the interview and as noted in the Specification, it is the combined body formed between the cDNAs and the probe DNAs that gets fractionated. As further discussed during the interview, the DNA fragments in the electrophoretic path 238 passes through the various affinity zones and each affinity zone captures certain of the fragments (see 17:35-67 of Nelson). Therefore, **Nelson does not disclose or suggest fractionating the combined bodies formed between the probe and the target**. With the clarifying amendment discussed above, all the rejections based on Nelson should be withdrawn.

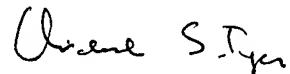
Further, Mosaic only fractionates the targets from non-targets, as argued in several of the responses filed by the Applicants. Therefore, it does not suggest fractionating the combined body formed between the probe and the target. In fact, by suggesting fractionating the targets from non-targets, Mosaic is teaching away from the present invention. Moreover, Briggs does not overcome the deficiencies noted in the teachings of Mosaic.

The Applicants respectfully submit that in view of the clear differences discussed above between the cited references and the present invention, all the pending claims should be allowed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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